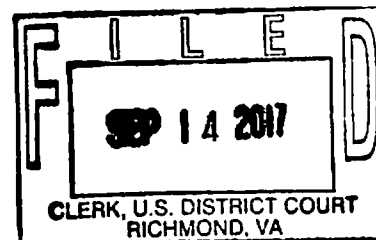


UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Dropbox Account cellis7233@yahoo.com, which is
Stored at Premises Controlled by Dropbox, Inc.

Case No.

17 SW184

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, fully incorporated by reference herein;

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, fully incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 2251	Production of Child Pornography
18 U.S.C. § 2252A	Possession, Receipt and Distribution of Child Pornography

The application is based on these facts:

See attached Affidavit, fully incorporated by reference herein.

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

John Houlberg, FBI Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 14, 2017

City and state: Richmond, Virginia

ISI

David J. Novak
United States Magistrate Judge

Judge's signature

David J. Novak, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN THE MATTER OF THE SEARCH OF:
INFORMATION ASSOCIATED WITH
DROPBOX ACCOUNT
cellis7233@yahoo.com, THAT IS STORED AT
PREMISES CONTROLLED BY DROPBOX,
INC.

Case No. 17sw184

FILED UNDER SEAL

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, John P. Houlberg, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for content and records associated with Dropbox user accounts Cellis7233@yahoo.com, cellis766@yahoo.com, Houseofnox.ash@gmail.com, and bookcomediancellis@gmail.com, which are stored at premises owned, maintained, controlled or operated by Dropbox Incorporated at 333 Brannan Street, San Francisco, CA 94107. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Dropbox Incorporated to disclose to the government copies of the information (including the content of communication) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with the Virginia State Police Bureau of Criminal Investigation, General Investigations Section, and have been since 1999. I am currently assigned as a Task Force Officer (TFO) to the Federal Bureau of Investigation, Richmond Division Child Exploitation Task Force and have been since 2011. I have participated in investigations involving sexual assaults, pedophiles, preferential child molesters, persons who produce, collect, and distribute child pornography, and the importation and distribution of materials relating to the sexual exploitation of children. I have received training from the FBI in the areas of sexual assaults and child exploitation, and I have reviewed images and videos of child pornography in a wide variety of media forms, including computer media. I have also discussed and reviewed these materials with other law enforcement officers.

3. In the course of my employment as a sworn law enforcement officer, I have participated in the execution of numerous search warrants resulting in the seizure of computers, magnetic storage media for computers, other electronic media, and other items evidencing violations of state and federal laws, including various sections of Title 18, United States Code, Sections 2251, 2252 and 2252A involving child exploitation offenses.

4. I have been deputized as a Special Deputy United States Marshal since May 20, 2011. As a Special Deputy United States Marshal, your Affiant is authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 2252A, receipt and distribution of child pornography, and 18 U.S.C. § 2251, production of child pornography, is present in the information associated with above-listed Dropbox accounts – Cellis7233@yahoo.com, cellis766@yahoo.com, Houseofnox.ash@gmail.com, and bookcomediancellis@gmail.com. There is also probable cause to search the information described in Attachment A for evidence, instrumentalities, contraband or fruits of these crimes further described in Attachment B.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

7. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Dropbox to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

RELEVANT CRIMINAL STATUTES

8. **Receipt of Child Pornography:** 18 U.S.C. § 2252A prohibits a person from knowingly mailing, transporting, shipping, receiving, distributing, reproducing for distribution, or possessing any child pornography, as defined in 18 U.S.C. §2256(8), when such child pornography was either mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or when such child pornography was produced using materials that had traveled in interstate or foreign commerce.

9. **Child pornography** means any visual depiction, in any format, of sexually explicit conduct where: (A) the production involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital or computer-generated image that is substantially indistinguishable from that of a minor engaged in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexual explicit conduct. *See* 18 U.S.C. § 2256(8).

10. **Visual depictions** include undeveloped film and videotape, and data stored on computer disk or by electronic means, which are capable of conversion into a visual image, and data which are capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format. *See* 18 U.S.C. § 2256(5).

11. **Minor** means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).

12. **Sexually explicit conduct** means actual or simulated: (i) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic area of any person. *See* 18 U.S.C. § 2256(2).

TECHNICAL INFORMATION REGARDING DROPBOX

13. Dropbox is a file hosting service that offers cloud-based storage of electronic files, file synchronization, personal cloud, and client software. Dropbox make it possible for a user to have access to saved files without the requirement of storing those files on a particular desktop computer or other electronic storage device. Once installed, Dropbox creates a special folder on the user's computer, the contents of which are then synchronized to Dropbox's servers

and to other computers and devices on which the user has installed Dropbox, keeping the same files up-to-date on all devices. Dropbox is available to install and use on a variety of platforms and operating systems, including Microsoft Windows, Apple OS, Linux, as well as smartphones and tablets running the Apple iOS, Android and Windows Phone operating systems. Because of this cloud-based storage model, a user can store files in his or her Dropbox account(s) and those files would not be physically present on the user's home computer or smartphone. Put another way, no one searching the computer of an individual who has stored files in a Dropbox account would be able to view these files if the user opted only to store them at an offsite such as Dropbox.

14. Pertinent to this investigation, in my training and experience I have learned that individuals often store evidence of crimes, including contraband child pornography images, in cloud-based file storage systems like Dropbox for the purpose of adding additional layers of security and anonymity. .

15. Dropbox provides a variety of on-line services, including online storage access, to the public. Users may obtain a basic account that provides 2 gigabytes of storage space at no charge. For a fee, users can obtain Dropbox accounts with significantly greater storage capacity. Dropbox allows subscribers to obtain accounts at the domain name www.dropbox.com. Subscribers obtain a Dropbox account by registering with an email address. During the registration process, Dropbox asks subscribers to provide basic personal identifying information. This information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative e-mail addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number).

16. When the subscriber transfers a file to a Dropbox account, it is initiated at the user's computer or mobile device, transferred via the Internet to the Dropbox servers, and then can automatically be synchronized and transmitted to other computers or electronic devices that have been registered with that Dropbox account. This includes online storage in Dropbox servers. If the subscriber does not delete the content, the files can remain on Dropbox servers indefinitely. Even if the subscriber deletes their account, it may continue to be available on the Dropbox servers for a certain period of time.

17. Online storage providers like Dropbox typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (*i.e.*, session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account, and other log files that reflect usage of the account. In addition, online storage providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the account.

18. In some cases, Dropbox account users will communicate directly with Dropbox about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Online storage providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

PROBABLE CAUSE

19. Title 18, United States Code Section 2258A requires Electronic Service Providers and Internet Service Providers to report any instances that violate federal laws regarding the sexual exploitation of children. This law identifies the National Center for Missing and Exploited Children (NCMEC) as the central repository for these reports and further permits NCMEC to share this information with law enforcement.

20. I received information from a task force officer (TFO) assigned to the FBI's Washington Field Office (WFO) who was acting in an undercover capacity (UC) as part of the Metropolitan Police Department-Federal Bureau of Investigation ("MPD-FBI") Child Exploitation Task Force. In that capacity, the UC navigated to an online website that law enforcement officials know is frequented by individuals who have a sexual interest in children and incest, among other fetishes. There he posted an advertisement that was meant to attract individuals with a sexual interest in children, which read, "Looking to meet other taboo Dads/moms for chat n more, don't want to say to much on here but shoot me an email with your KIK if interested".

21. On Monday June 26, 2017, an individual responded to the UC's advertisement via email stating, "Daddy" here. Kik Strigoi33. Very interested". The UC began communicating with this individual via Kik Messenger. This individual was using the Kik name, "strigoi33" with a display name of, "La Sorciere." "[S]trigoi33" identified himself as a 36-year-old male residing in Richmond, Virginia. During the course of the chat, "strigoi33" stated that he was into taboo but did not have any children. The UC informed "strigoi33" that he had a 9-year-old daughter. "strigoi33" responded, "Have you started 'teaching' her, or is that not your thing? I

mean no offense. Just curious." "strigoi33" later stated, "Lucky. I'd love to teach a yung girl to suck. Youngest I've played with was 14."

22. The UC asked "strigoi33" about the 14-year-old girl. "strigoi33" stated, "She's a girl I met online. Mixed black and white." "strigoi33" sent the UC a link to a Dropbox folder containing six videos. I have reviewed the videos, and based on my training and experience believe that four of them depict child pornography as defined in 18 U.S.C. § 2256(8). The four files are described below:

- a. A video of a minor female being vaginally penetrated by an adult male penis. The child is naked and lying on her back with her legs spread. The adult male is standing over her in between her legs. It appears the adult male's penis will not fully penetrate the child's vagina and she can be heard gasping in what sounds like pain. The child appears to be between 12-14 years old.
- b. A video of a prepubescent female naked and lying on her back with her legs spread. The child lifts her legs up overhead showing her vagina. An adult male is standing over her attempting to force his erect penis in her vagina. He is talking to her in what appears to be another language. The minor appears to be between 10-12 years old.
- c. A video depicting an adult woman and a prepubescent male, approximately 6-8 years old. They are both nude and the boy is standing in front of the female, in what appears to be a bathroom. The adult female is performing oral sex on the boy.

- d. A video of a prepubescent male, approximately 8-10 years old, nude and lying on his back on a blanket. An adult woman is clothed and sitting facing towards him in between his legs. The adult female is masturbating the boy's penis and kissing his penis. They are speaking to each other in an unidentified language.

23. During the course of the chat "strigoi33" stated, "You're so lucky. Though I have to admit, I'd be scared to play with my own daughter. I was worried the 14yo was going to be a cop." "strigoi33" sent the UC a video that he claimed was the 14 year-old girl. I reviewed the video, which depicts an adult black male standing in front of a female who is on her knees facing him. The female appears to be naked from the waist down and is wearing a dark colored t-shirt with white and green letters on it. The male is masturbating his penis while rubbing it on her face and ejaculates on her face. The female appears to be between 13-15 years old. The male is heard on the video saying, "Oh shit, lick the tip." The child then licks what appears to be semen from the end of his penis and he says to her, "good girl". She then smiles for the camera. The male has a large silver tone ring on his left index finger.

24. The UC asked "strigoi33," "How young would u go". "strigoi33" responded, "Fucking, about 13-12. Oral around your daughter's age maybe 7. As long as they are enjoying it and eager to learn. I wouldn't want to hurt or force anyone. Not my thing."

25. During the course of the chat "strigoi33" sent another video of that girl that he claims to have had sexual contact with. I reviewed the video, which depicts what appears to be the same female from the previous video wearing the same t-shirt. The female is kneeling facing towards the camera and performing oral sex on an erect black male's penis. The male says, "You

like being filmed don't you?" The child is then heard saying, "Mm hmm." The male responds, "That's a good girl" and pulls his t-shirt up exposing more of his penis for the video. It appears he has on the same silver tone ring on his left index finger from the previous video. The male can be heard saying I will send you this video but you cannot show it to anyone.

26. An emergency disclosure request was sent to Kik for subscriber information associated with the target username. Kik's response provided an unconfirmed email address of la_sorciere33@yahoo.com and IP logs between May 29, 2017, and June 28, 2017. Examination of the logs provided by Kik revealed the primary way in which this account was accessed was via T-Mobile wireless internet access. Those logs further revealed that in addition to T-Mobile IP addresses the Kik account was accessed via the same Verizon FiOS IP address (98.117.73.10) between June 9 and 25, 2017. An emergency request was sent to Verizon for subscriber information associated with this single IP address. Verizon called WFO and identified the subscriber as Tammie Ellis, 7 W Sedgwick Street, Sandston VA 23150, email address tj_ellis83@yahoo.com.

27. Searches of public records indicate that Tammie Ellis resides in Henrico County, at 7 W Sedgwick Street, Sandston VA 23150. Additional residents at 7 W Sedgwick Street, Sandston VA 23150 are Charles Ellis, who appears to be the husband of Tammie Ellis; and Eric Ellis, who appears to be the brother of Charles Ellis. Photographs available during public record searches depict Charles Ellis with a large silver ring on his left index finger, consistent with the ring observed during the videos received by the UC.

RESULTS OF JULY 19, 2017 SEARCH WARRANT

28. On July 19, 2017, United States Magistrate Judge David J. Novak issued search warrant, Case No. 3:17SW151, for the residence of Tammie and Charles Ellis located at 7 W Sedgwick Street, Sandston, Virginia, 23150. On July 20, 2017, agents from the FBI and task force officers executed the Federal search warrant at approximately 6:00 AM..

29. Upon execution of the search warrant, your Affiant and FBI TFO Elizabeth Wright interviewed Charles Ellis, the sole occupant inside the house. Charles Ellis admitted using the Kik name, "strigoi33" and being banned temporarily from Kik. Ellis declined to make any further statements.

30. An on-scene preview of digital items seized from the Ellis residence pursuant to the federal search warrant revealed child pornography on his cell phone. I reviewed several images on the cell phone, which is a Samsung Galaxy S5. Charles Ellis stated the phone belonged to him and then unlocked the phone which was password protected. The images found on the phone are described below:

- a. This is an image that depicts what appears to be a prepubescent girl approximately four to six years of age. The girl is naked and lying on her back with her legs up in the air, exposing her vagina. An adult male is penetrating her anus with his erect penis.
- b. This is an image that depicts what appears to be a girl approximately thirteen to fifteen years of age. The girl is nude and is kneeling, performing oral sex on an adult male who is standing in front of her.

- c. This is an image that depicts what appears to be a girl approximately twelve to fourteen years of age. The girl is fully nude and standing in what appears to be a bathroom. Her breasts and vagina are clearly visible in the image and are the focal point of the picture.

31. In addition to the images described above, I also observed two color photos of what appear to be an adult black male engaging in sex with an adult white female. These two images appear to be the same ones that "strigoi33" sent to the UC during the course of the chats.

REVIEW OF THE SAMSUNG GALAXY S5 CELL PHONE

32. I reviewed the results of the forensic exam conducted on the Samsung Galaxy S5 cell phone described above at the FBI Richmond office. I observed four email addresses associated with the cell phone, which were cellis7233@yahoo.com, cellis766@yahoo.com, Houseofnox.ash@gmail.com, and bookcomediancellis@gmail.com.

33. In reviewing the "Timeline" history of the cell phone examination report, Dropbox was accessed on June 26, 2017 at 9:22 PM. I also reviewed the Kik Messenger chat timeline with strigoi33 and the UC, which show strigoi33 sent the UC a Dropbox link on June 26, 2017 at 9:24 PM. This is the link described in paragraph 21 above, which contained child pornography videos.

34. Additional accesses to Dropbox on June 26, 2017 were observed on the cell phone report, which were: 9:28 PM, 9:37 PM, 9:46 PM, 9:54 PM, and 10:46 PM.

35. During the Kik Messenger chat on June 27, 2017 with the UC, the UC asked strigoi 33, "Do u have a lot of good yng material". strigoi 33 responded, "Not really. A few drop boxes here and there. Mostly teen though. What about you?" During the same chat string on

June 27, 2017, strigoi 33 sent the UC a picture of a female, approximately 10 to 12 years old, with red hair, wearing a bra and panties, holding her shirt up for the camera. strigoi 33 commented after the picture was sent, "Got this one in a Dropbox. Just my type too".

36. In reviewing the "Videos" section of the cell phone examination report, I observed the two videos of what strigoi 33 claimed to the UC to be a 14 year-old girl, described in paragraphs 22 and 24 above, which were sent to the UC during the Kik Messenger chats. The file paths for each of the videos contained a link referencing them to Dropbox.

37. A search of the cell phone examination report for "Dropbox" returned multiple responses, to include several emails from Dropbox to bookcomediancellis@gmail.com. One of the emails from Dropbox is an acknowledgement to bookcomediancellis@gmail.com that the new folder titled "Modelling" [*sic*] is ready to use. From my training and experience, I know that collectors of child pornography and child erotica will sometimes use the terms "model" and "modeling" to discretely name folders where they store such images. Additionally, I know that many child molesters will entice their victims with offers to engage in modeling sessions, which later degenerate into illicit sexual conduct. My review of the cell phone forensic report an email from bookcomediancellis@gmail.com to cellis766@yahoo.com on June 27, 2017, which contained a lengthy story that appeared to be a fantasy about an adult male and female having a sexual encounter with an 11-year-old boy.

38. The cell phone examination report provided Dropbox passwords for emails cellis7233@yahoo.com and Houseofnox.ash@gmail.com. The Dropbox link sent to the UC, which the UC used to access what appears to be a child pornography movie sent to him by the defendant, does not indicate which Dropbox account the defendant used to share that movie with

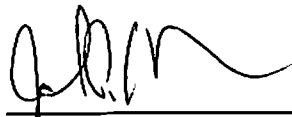
the UC. Officials with Dropbox have indicated that upon receipt of a search warrant they could attribute the link to a particular account.

CONCLUSION

39. Based on my training and experience, and the facts as set forth in this affidavit, there is probably cause to believe that on the computer systems in the control of Dropbox there exists evidence of violations 18 U.S.C. §§ 2251 and 2252A, in the information associated with above-listed Dropbox accounts. Accordingly, a search warrant is requested.

40. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” *See* 18 U.S.C. § 2711(3)(A)(i).

41. Pursuant to Title 18, United States Code, Section 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.



John P. Houlberg
Special Agent, Virginia State Police, BCI-Richmond
TFO, FBI Child Exploitation Task Force-Richmond

SUBSCRIBED and SWORN
before me on September 14, 2017.



ISI

David J. Novak
United States Magistrate Judge

CERTIFICATE OF AUTHENTICITY

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Dropbox, and my official title is _____. I am a custodian of records for Dropbox. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Dropbox, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Google, Inc.; and
- c. such records were made by Dropbox as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature